

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,753,170 Confirmation No.: 4080
Appln. No. : 10/053,195
Applicant : Gaddy et al.
Issued : June 22, 2004
Filed : January 16, 2002
TC/A.U. : 1651
Examiner : H. Lilling
Customer No. : 00270
Title : MICROBIAL PROCESS FOR THE PREPARATION OF
ACETIC ACID AS WELL AS SOLVENT FOR ITS
EXTRACTION FROM THE FERMENTATION BROTH

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

This paper is filed in response to the Decision dated November 13, 2007 regarding the Request for Certificate of Correction filed by Applicants under 35 USC § 256 on September 7, 2007. In summary, the Request for Certificate of Correction was filed to correct the inventorship of the above-identified patent. Applicants properly included all of the components required under 37 CFR § 1.324, including the fee of \$130.00 pursuant to 37 CFR § 1.20(b).

In the Decision, the Decision & Certificates of Correction Branch asserted that Applicants filed a Request for a Certificate of Correction of the above-noted patent to correct inventorship under 37 CFR § 1.322. However, the Request for Certificate of

Correction was filed under 37 CFR § 1.324 (due to Applicants' inadvertent error), not 37 CFR § 1.322 (due to USPTO error). At no time did Applicants assert that the USPTO made any errors in inventorship during prosecution of the application and/or at the time of issuing the patent.

Further, Applicants also assert that correction of inventorship under 37 CFR § 1.324 does not require the filing of a correct Filing Receipt.

At the suggestion of the Decisions & Certificates of Correction Branch, Applicants are resubmitting the Request for a Certificate of Correction under 35 USC § 256, with enclosures, and request reconsideration of the same. No additional fees are being submitted with this paper since the required fee was paid at the time of filing the Request for Certificate of Correction on September 7, 2007.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

Howson & Howson LLP
Attorneys for Applicants

By: Mary E. Bak
Mary E. Bak
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Telefacsimile: 215-540-5818

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Attn: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 35 USC § 256**

Sir:

Applicants hereby request that a Certificate of Correction be issued to correct the inventorship of the above-identified patent. Applicants request that Leslie E. Wade be deleted as a co-inventor of this patent and have provided the following items pursuant to the requirements set forth in 37 CFR § 1.324(b)(2) through 1.324(b)(4):

- (i) Statement pursuant to 37 CFR § 1.324(b)(1) from Leslie E. Wade, the co-inventor being deleted from US Patent No. 6,753,170;
- (ii) Statements pursuant to 37 CFR § 1.324(b)(2) from James L. Gaddy, Edgar C. Clausen, Carl V. Wikstrom, and Ching-Whan Ko,

- the currently named co-inventors of US Patent No. 6,753,170 agreeing to the deletion of Leslie E. Wade as a co-inventor;
- (iii) a Statement pursuant to 37 CFR § 1.324(b)(3) and a Certification pursuant to 37 CFR § 3.73(b) from James L. Gaddy, the authorized officer of Bioengineering Resources, Inc., one assignee of US Patent No. 6,753,170 agreeing to the deletion of Leslie E. Wade as a co-inventor;
 - (iv) a Statement pursuant to 37 CFR § 1.324(b)(3) and a Certification pursuant to 37 CFR § 3.73(b) from James J. Mullen, the authorized officer of Celanese International Corporation, a second assignee of US Patent No. 6,753,170 agreeing to the deletion of Leslie E. Wade as a co-inventor; and
 - (v) the fee of \$130.00 pursuant to 37 CFR § 1.20(b).

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

Howson & Howson LLP
Attorneys for Applicants

By: Mary E. Bak
Mary E. Bak
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Suite 210
501 Office Center Drive
Fort Washington, PA 19034
Telephone: 215-540-9200
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STATEMENT UNDER 37 CFR § 1.324(b)(2)

Sir:

I, Leslie E. Wade, a citizen of the United States and residing at 1310 Sentore Drive, Pearland, TX 77581, one original co-inventor of the above-identified patent, hereby agree to the change of inventorship by deleting myself as a co-inventor of this patent.

Date: 8/9/2007

Name: Leslie E Wade
Leslie E. Wade

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

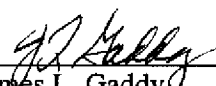
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STATEMENT UNDER 37 CFR § 1.324(b)(2)

Sir:

I, James L. Gaddy, a citizen of the United States and residing at 3781 Sassafras Hill Road, Fayetteville, AR 72703, one original co-inventor of the above-identified patent, hereby agree to the change of inventorship by deleting Leslie E. Wade as a co-inventor of this patent.

Date: 8/13/07

Name: 
 James L. Gaddy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,753,170 Confirmation No.: 4080
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STATEMENT UNDER 37 CFR § 1.324(b)(2)

Sir:

I, Edgar C. Clausen, a citizen of the United States and residing at 5137 Wingfoot Road, Fayetteville, AR, 72703, one original co-inventor of the above-identified patent, hereby agree to the change of inventorship by deleting Leslie E. Wade as a co-inventor of this patent.

Date: 8/17/07

Name: Edgar C. Clausen
 Edgar C. Clausen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 EXTRACTION FROM THE FERMENTATION BROTH

STATEMENT UNDER 37 CFR § 1.324(b)(2)

Sir:

I, Carl V. Wikstrom, a citizen of the United States and residing at 1112 River Oaks Drive, Benton, AR 72015, one original co-inventor of the above-identified patent, hereby agree to the change of inventorship by deleting Leslie E. Wade as a co-inventor of this patent.

Date: August 16, 2007

Name: Carl V. Wikstrom
 Carl V. Wikstrom

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


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EXTRACTION FROM THE FERMENTATION BROTH

STATEMENT UNDER 37 CFR § 1.324(b)(2)

Sir:

I, Ching-Whan Ko, a citizen of the United States and residing at 1245 Mission Boulevard, Fayetteville, AR, 72701, one original co-inventor of the above-identified patent, hereby agree to the change of inventorship by deleting Leslie E. Wade as a co-inventor of this patent.

Date: 8-23-07

Name: 
Ching-Whan Ko

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,753,170 Confirmation No.: 4080
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STATEMENT UNDER 37 CFR § 1.324(b)(3)

Sir:


I, James L. Gaddy, declare and say that:

(i) I am the President of Bioengineering Resources, Inc., one assignee of the above-identified U.S. patent, and am authorized to sign on behalf of the assignee as evidenced by the attached 37 CFR § 3.73(b) Certificate; and

(ii) I further certify that Bioengineering Resources, Inc. agrees to the change of inventorship by deleting Leslie E. Wade as a co-inventor of this patent.

BIOENGINEERING RESOURCES, INC.

Date: 8/13/07

By: 
James L. Gaddy, Ph.D., P.E.
President
Bioengineering Resources, Inc.
1650 Emmaus Road
Fayetteville, Arkansas 72701

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: BIOENGINEERING RESOURCES, INC. AND CELANESE INTERNATIONAL CORPORATION

Application No./Patent No.: 6,753,170 Filed/Issue Date: JUNE 22, 2004

Entitled: MICROBIAL PROCESS FOR THE PREPARATION OF ACETIC ACID AS WELL AS SOLVENT FOR ITS EXTRACTION FROM THE FERMENTATION BROTH

BIOENGINEERING RESOURCES, INC., a CORPORATION
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: JAMES L. GADDY, EDGAR C. CLAUSEN, BIOENGINEERING RESOURCES, INC. AND CHING-WHAN KO, CARL V. WIKSTROM To: CELANESE INTERNATIONAL CORPORATION
The document was recorded in the United States Patent and Trademark Office at Reel 012518, Frame 0393, or for which a copy thereof is attached.
2. From: LESLIE E. WADE To: CELANESE INTERNATIONAL CORPORATION
The document was recorded in the United States Patent and Trademark Office at Reel 012518, Frame 0004, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

J. L. Gaddy
Signature

8/13/07
Date

JAMES L. GADDY
Printed or Typed Name

Telephone Number

PRESIDENT
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Sir:

I, James J. Mullen, declare and say that:

(i) I am the Assistant Secretary of Celanese International Corporation, one assignee of the above-identified U.S. patent, and am authorized to sign on behalf of the assignee as evidenced by the attached 37 CFR § 3.73(b) Certificate; and

(ii) I further certify that Celanese International Corporation agrees to the change of inventorship by deleting Leslie E. Wade as a co-inventor of this patent.

CELANESE INTERNATIONAL CORPORATION

Date: 8/17/07

By: James J. Mullen
James J. Mullen
Assistant Secretary
Celanese International Corporation
1601 West LBJ Freeway
Dallas, Texas 75234

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: BIOENGINEERING RESOURCES, INC. AND CELANESE INTERNATIONAL CORPORATION

Application No./Patent No.: 6,753,170 Filed/Issue Date: JUNE 22, 2004

Entitled: MICROBIAL PROCESS FOR THE PREPARATION OF ACETIC ACID AS WELL AS SOLVENT FOR ITS EXTRACTION FROM THE FERMENTATION BROTH

CELANESE INTERNATIONAL CORPORATION, a CORPORATION
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

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OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: JAMES L. GADDY, EDGAR C. CLAUSEN, BIOENGINEERING RESOURCES, INC. AND CHING-WHAN KO, CARL V. WIKSTROM To: CELANESE INTERNATIONAL CORPORATION
The document was recorded in the United States Patent and Trademark Office at
Reel 012518, Frame 0393, or for which a copy thereof is attached.
2. From: LESLIE E. WADE To: BIOENGINEERING RESOURCES, INC. AND CELANESE INTERNATIONAL CORPORATION
The document was recorded in the United States Patent and Trademark Office at
Reel 012518, Frame 0004, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

James J. Mullen 8/17/07
Signature Date
JAMES J. MULLEN 361-554-6771
Printed or Typed Name Telephone Number
ASSISTANT SECRETARY
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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